



A BILL FOR AN ORDINANCE

RELATING TO PUBLIC SIDEWALKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit, subject to exceptions, persons from sitting or lying on public sidewalks in areas zoned for commercial and business activities.

SECTION 2. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and Other Public Places"), as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

**"Article ____. Sitting or Lying on Public Sidewalks
Outside of the Waikiki Special District**

Section 29-___.1 Declaration of legislative intent – Purpose.

The purpose of this ordinance is to prohibit, subject to exceptions, persons from sitting or lying on public sidewalks in areas zoned for commercial and business activities.

The council of the city and county of Honolulu finds:

- (a) Public sidewalks in areas zoned for commercial and business activities are created and maintained for the primary purposes of enabling pedestrians to safely and effectively move about from place to place, facilitating deliveries of goods and services, and providing convenient access to entertainment, goods and services.
- (b) Sitting or lying down is not the customary use of the public sidewalks. Persons who sit or lie down on public sidewalks impede and deter others from using the sidewalks; thus, they discourage residents and visitors from walking to get from place to place and accessing local shops, restaurants, and businesses, and interfere with the delivery of goods and services.
- (c) The need to maintain pedestrian and commercial traffic is greatest during the hours of operation of businesses, shops, restaurants, and other commercial enterprises when public sidewalks are congested. Persons who sit or lie down on public sidewalks during business hours threaten



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their own safety and the safety of pedestrians, especially the elderly, disabled, vision-impaired, and children, who are put at increased risk when they must avoid and navigate around persons unexpectedly sitting or lying upon the public sidewalk.

- (d) The prohibition against sitting or lying on public sidewalks set forth in this ordinance leaves intact the individual's right to speak, protest or engage in other lawful activity on any sidewalk consistent with the individual's free speech rights. In addition, the prohibition contains exceptions for medical emergencies, and expressive activities, among others.
- (e) There are a number of places where the restrictions of this ordinance do not apply, including private property, plazas, public parks, and other common areas open to the public, that do not unduly interfere with the safe flow of pedestrian traffic, impair commercial activity, or threaten public safety.
- (f) The council acknowledges that there are reasons why one might sit or lie on a public sidewalk. The city has offered and continues to offer services to those engaged in sitting or lying on the sidewalk who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue the conduct despite the accessibility of these services. The city will continue to invest in services for those in need and to make efforts to maintain and improve safety on public sidewalks for everyone. A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that sitting or lying down on a public sidewalk is unlawful.
- (g) Present laws that prohibit the obstruction of sidewalks do not adequately address the safety hazards, disruption and deterrence to pedestrian traffic or impairment of commercial activity caused by persons sitting or lying on the public sidewalks in areas zoned for commercial and business activities.

Sec. 29-__ .2 Prohibition-Exceptions-Citations.

- (a) No person shall sit or lie on a public sidewalk, or on a tarp, towel, sheet, blanket, sleeping bag, bedding, planter, chair, bench, or any other object or material placed upon a public sidewalk located within the following described zones or upon a public sidewalk abutting the following described street segments during



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the hours from 5:00 a.m. to 11:00 p.m. Unless specifically stated otherwise, the prohibition applies to sidewalks on both sides of street segments:

- (1) Chinatown. The Chinatown zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 1:
 - Starting at the intersection of Nimitz Highway/River Street,
 - River Street to the intersection of River Street/Vineyard Boulevard,
 - Vineyard Boulevard to the intersection of Vineyard Boulevard/Nuuanu Avenue,
 - Nuuanu Avenue to Nimitz Highway, and
 - Nimitz Highway to the intersection of Nimitz Highway/River Street.

- (2) Downtown. The Downtown zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 2:
 - Starting at the intersection of Nimitz Highway/Nuuanu Avenue,
 - Nuuanu Avenue to the intersection of Nuuanu Avenue/South Vineyard Boulevard,
 - South Vineyard Boulevard to the intersection of South Vineyard Boulevard/Pali Highway,
 - Pali Highway to the intersection of Pali Highway/South Beretania Street,
 - South Beretania Street to the intersection of South Beretania Street/Richards Street,
 - Richards Street to the intersection of Richards Street/Halekauwila Street,
 - Halekauwila Street to the intersection of Halekauwila Street/Nimitz Highway/Ala Moana Boulevard, and
 - Nimitz Highway/Ala Moana Boulevard to the intersection of Nimitz Highway/Nuuanu Avenue.

- (3) McCully-Moiliili. The McCully-Moiliili zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 3:
 - Starting at the intersection of South Beretania Street/McCully Street,
 - McCully Street to the intersection of McCully Street/Algaroba Street,
 - Algaroba Street to the intersection of Algaroba Street/Makahiki Way,
 - Makahiki Way to the intersection of Makahiki Way/South King Street,
 - South King Street to the intersection of South King Street/Isenberg Street,



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- Isenberg Street to the intersection of Isenberg Street/South Beretania Street, and
- South Beretania Street to the intersection of South Beretania Street/McCully Street.

The McCully-Moilili zone also includes the sidewalks abutting the following street segment:

- University Avenue beginning at the intersection of University Avenue/South Beretania Street/South King Street and ending at University Avenue/Varsity Place,
- South Beretania Street beginning at the intersection of South Beretania Street/McCully Street and ending at the intersection of South Beretania Street/University Avenue, and
- South King Street beginning at the intersection of South King Street/Makahiki Way and ending at the intersection of South King Street/University Avenue.

(4) Kailua. The Kailua zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 4:

- Starting at the intersection of Kainehe Street/Kihapai Street,
- Kihapai Street to the intersection of Kihapai Street/Oneawa Street,
- Oneawa Street to the intersection of Oneawa Street/Uluniu Street,
- Uluniu Street to the intersection of Uluniu Street/Maluniu Avenue,
- Maluniu Avenue to the intersection of Maluniu Avenue/Kuulei Road,
- Kuulei Road to the intersection of Kuulei Road/Oneawa Street/Kailua Road,
- Oneawa Street/Kailua Road to the intersection of Kailua Road/Hahani Street,
- Hahani Street to the intersection of Hahani Street/Hekili Street,
- Hekili Street to the intersection of Hekili Street/Hamakua Drive/Kainehe Street, and
- Hamakua Drive/Kainehe Street to the intersection of Kainehe Street/Kihapai Street.



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The Kailua zone also includes the sidewalks abutting the following street segments:

- Oneawa Street beginning at the intersection of Oneawa Street/Kawainui Street and ending at the intersection of Oneawa Street/Ulunui Street, and
- Hamakua Drive beginning at the intersection of Hamakua Drive/Hahani Street and ending at the intersection of Hamakua Drive/Aoloa Street.

(5) Wahiawa. The Wahiawa zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 5:

- Starting at the intersection of Kilani Avenue/Kukui Street,
- Kukui Street to the intersection of Kukui Street/California Avenue,
- California Avenue to the intersection of California Avenue/Ohai Street,
- Ohai Street to the intersection of Ohai Street/Olive Avenue,
- Olive Avenue to the intersection of Olive Avenue/Walker Avenue,
- Walker Avenue to the intersection of Walker Avenue/California Avenue,
- California Avenue to the intersection of California Avenue/Lehua Street,
- Lehua Street to the intersection of Lehua Street/Center Street,
- Center Street to the intersection of Center Street/North Cane Street,
- North Cane Street to the intersection of North Cane Street/Kilani Avenue, and
- Kilani Avenue to the intersection of Kilani Avenue/Kukui Street.

The Wahiawa zone also includes the sidewalks abutting the following street segments:

- North Cane Street at the intersection of Center Street/North Cane Street to the intersection of North Cane Street/California Avenue, and
- California Avenue at the intersection of California Avenue/North Cane Street to the entrance to Wahiawa District Park parking lot.

(6) Ala Moana-Sheridan. The Ala Moana-Sheridan zone is composed of two zones, Zone A and Zone B.

Ala Moana-Sheridan Zone A. Ala-Moana Sheridan Zone A is the area of the city bounded by the following streets as illustrated in attached Exhibit 6-A:



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- Starting at the intersection of South Beretania Street/Piikoi Street,
- Piikoi Street to the intersection of Piikoi Street/South King Street,
- South King Street to the intersection of South King Street/Hauoli Street,
- Hauoli Street to the intersection of Hauoli Street/Algaroba Street,
- Algaroba Street to the intersection of Algaroba Street/McCully Street,
- McCully Street to the intersection of McCully Street/South Beretania Street,
- South Beretania Street to the intersection of South Beretania Street/Artesian Street,
- Artesian Street to the intersection of Artesian Street/South King Street,
- South King Street to the intersection of South King Street/Kalakaua Avenue,
- Kalakaua Avenue to the intersection of Kalakaua Avenue/South Beretania Street, and
- South Beretania Street to the intersection of South Beretania Street/Piikoi Street.

Ala Moana-Sheridan Zone B. Ala Moana-Sheridan Zone B is the area of the city bounded by the following streets as illustrated in attached Exhibit 6-B:

- Starting at the intersection of South King Street/Cedar Street,
- South King Street to the intersection of South King Street/Kaheka Street,
- Kaheka Street to the intersection of Kaheka Street/Liona Street,
- Liona Street to the intersection of Liona Street/Keeaumoku Street,
- Keeaumoku Street to the intersection of Keeaumoku Street/Makaloa Street,
- Makaloa Street to the intersection of Makaloa Street/Kaheka Street,
- Kaheka Street to the intersection of Kaheka Street/Kanunu Street,
- Kanunu Street to the intersection of Kanunu Street/Kalakaua Avenue,
- Kalakaua Avenue to the intersection of Kalakaua Avenue/Kapiolani Boulevard,
- Kapiolani Boulevard to the intersection of Kapiolani Boulevard/Piikoi Street
- Piikoi Street to the intersection of Piikoi Street/Makaloa Street,
- Makaloa Street to the intersection of Makaloa Street/Sheridan Street,
- Sheridan Street to the intersection of Sheridan Street/Rycroft Street,
- Rycroft Street to the intersection of Rycroft Street/Cedar Street, and
- Cedar Street to the intersection of Cedar Street/South King Street.



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The Ala Moana-Sheridan Zone B also includes the sidewalks abutting the following street segment:

- Keeaumoku Street beginning at the intersection of Keaumoku Street/Liona Street and ending at the intersection of Keeaumoku Street/Makaloa Street.

- (7) Kaneohe. The Kaneohe zone is composed of two zones, Zone A and Zone B.

Kaneohe Zone A. Kaneohe Zone A is the area of the city bounded by the following streets as illustrated in attached Exhibit 7-A:

- Starting at the intersection of Kamehameha Highway/Kahuhipa Street,
- Kamehameha Highway to the intersection of Kamehameha Highway/Haiku Road,
- Haiku Road to the intersection of Haiku Road/Alaloa Street,
- Alaloa Street to the intersection of Alaloa Street/Kahuhipa Street, and
- Kahuhipa Street to the intersection of Kahuhipa Street/Kamehameha Highway.

The Kaneohe Zone A also includes the sidewalks abutting the following street segments:

- Kamehameha Highway beginning at the intersection of Kamehameha Highway/Kahuhipa Street/Lilipuna Road and ending at the intersection of Kamehameha Highway/Paleka Road/Waikalua Road, and
- Lilipuna Road beginning at the intersection of Lilipuna Road/Kahuhipa Street/Kamehameha Highway and ending at the intersection of Lilipuna Road/Cobb Adams Road.

Kaneohe Zone B. Kaneohe Zone B is the area of the city bounded by the following streets as illustrated in attached Exhibit 7-B:

- Starting at the intersection of Kamehameha Highway/Likelike Highway/Kaneohe Bay Drive,
- Kamehameha Highway to the intersection of Kamehameha Highway/Koa Kahiko Street,
- Koa Kahiko Street to the intersection of Koa Kahiko Street/Aumoku Street,



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- Aumoku Street to the intersection of Aumoku Street/Kaneohe Bay Drive, and
 - Kaneohe Bay Drive to the intersection of Kaneohe Bay Drive/Kamehameha Highway/Likelike Highway.
- (8) Waimanalo. The Waimanalo zone is the area of the city bounded by the following streets as illustrated in attached Exhibit 8:
- Starting at the intersection of Kalanianaʻole Highway/Mekia Street,
 - Mekia Street to the intersection of Mekia Street/Lukanela Street,
 - Lukanela Street to the intersection of Lukanela Street/Poalima Street,
 - Poalima Street to the intersection of Poalima Street/Kalanianaʻole Highway, and
 - Kalanianaʻole Highway to the intersection of Kalanianaʻole Highway/Mekia Street.
- (9) Kapahulu. The Kapahulu street segments include the following streets as illustrated in attached Exhibit 9:
- The eastern side of Kapahulu Avenue beginning at the intersection of Kapahulu Avenue/Leahi Avenue and ending 200 feet to the north of the intersection of Kapahulu Avenue/Herbert Street,
 - Kapahulu Avenue beginning 200 to the feet north of the intersection of Kapahulu Avenue/Herbert Street and ending at the intersection of Kapahulu Avenue/Olu Street,
 - The eastern side of Kapahulu Avenue beginning at the intersection of Kapahulu Avenue/Olu Street and ending at the intersection of Kapahulu Avenue/Charles Street,
 - Kapahulu Avenue beginning at the intersection of Kapahulu Avenue/Charles Street and ending 100 feet north of the intersection of Kapahulu Avenue/Charles Street,
 - The eastern side of Kapahulu Avenue beginning 100 feet to the north of the intersection of Kapahulu Avenue/Charles Street and ending at the intersection of Kapahulu Avenue/Kaimuki Avenue,
 - Kapahulu Avenue beginning at the intersection of Kapahulu Avenue/Kaimuki Avenue and ending at the intersection of Kapahulu Avenue/Waiālae Avenue,
 - Campbell Avenue beginning at the intersection of Campbell Avenue/Kapahulu Avenue and ending at the intersection of Campbell Avenue/Brokaw Street,



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- Kanaina Avenue beginning at the intersection of Kanaina Avenue/Kapahulu Avenue and ending at the intersection of Kanaina Avenue/Brokaw Street,
 - Herbert Street beginning at the intersection of Herbert Street/Kapahulu Avenue and ending at the intersection of Herbert Street/Campbell Avenue,
 - Castle Street beginning at the intersection of Castle Street/Kapahulu Avenue and ending at the intersection of Castle Street/Campbell Avenue, and
 - Brokaw Street beginning at the intersection of Brokaw Street/Kanaina Avenue and ending at the intersection of Brokaw Street/Campbell Avenue.
- (10) Waialae. The Waialae street segments include the following streets as illustrated in attached Exhibit 10:
- Kapiolani Boulevard beginning at the intersection of Kapiolani Boulevard/Kaimuki Avenue and ending at the intersection of Kapiolani Boulevard/Waialae Avenue,
 - Waialae Avenue beginning at the intersection of Waialae Avenue/Kapiolani Boulevard and ending at the intersection of Waialae Avenue/Palolo Avenue,
 - The northern side of Waialae Avenue beginning at the intersection of Waialae Avenue/Palolo Avenue and ending at the intersection of Waialae Avenue/6th Avenue,
 - Waialae Avenue, beginning at the intersection of Waialae Avenue/7th Avenue and ending at the intersection of Waialae Avenue/10th Avenue,
 - The northern side of Waialae Avenue beginning at the intersection of Waialae Avenue/10th Avenue and ending at the intersection of Waialae Avenue/11th Avenue,
 - Waialae Avenue beginning at the intersection of Waialae Avenue/11th Avenue and ending at the intersection of Waialae Avenue/Koko Head Avenue,
 - The northern side of Waialae Avenue beginning at the intersection of Waialae Avenue/Koko Head Avenue and ending 200 feet east of the intersection of Waialae Avenue/Wilhelmina Rise,
 - The eastern side of 11th Avenue beginning at the intersection of 11th Avenue/Waialae Avenue and ending at the intersection of 11th Avenue/Harding Avenue,
 - 12th Avenue beginning at the intersection of 12th Avenue/Waialae Avenue and ending at the intersection of 12th Avenue/Harding Avenue,



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- Harding Avenue from the intersection of Harding Avenue/11th Avenue to the intersection of Harding Avenue/Koko Head Avenue, and
 - The western side of Koko Head Avenue beginning at the intersection of Koko Head Avenue/Harding Avenue and ending at the intersection of Koko Head Avenue/Waialae Avenue.
- (11) Kahala. The Kahala street segments include the following streets as illustrated in attached Exhibit 11:
- The southern side of Kalanianaʻole Highway beginning at the intersection of Kalanianaʻole Highway/21st Avenue and ending at the intersection of Kalanianaʻole Highway/Hunakai Street,
 - Kalanianaʻole Highway beginning at the intersection of Kalanianaʻole Highway/Hunakai Street and ending 650 feet to the east of the intersection of Kalanianaʻole Highway/Hunakai Street,
 - The southern side of Kalanianaʻole Highway beginning 650 feet to the east of the intersection of Kalanianaʻole Highway/Hunakai Street and ending at the intersection of Kalanianaʻole Highway/Kealaolu Avenue,
 - The northern side of Kalanianaʻole Highway beginning at the intersection of Kalanianaʻole Highway/Kilauea Avenue and ending at the Waialaenui Gulch Stream Bridge crossing,
 - The eastern side of Hunakai Street beginning at the intersection of Hunakai Street/Kalanianaʻole Highway and ending at the Kahala Mall parking lot entrance via Hunakai Street, and
 - The western side of Kilauea Avenue beginning at the intersection of Kilauea Avenue/Kalanianaʻole Highway and ending at the intersection of Kilauea Avenue/Pahoa Avenue.
- (12) Aina Haina-Niu Valley. The Aina Haina-Niu Valley street segments include the following streets as illustrated in attached Exhibit 12:
- The northern side of Kalanianaʻole Highway from 400 feet west of the intersection of Kalanianaʻole Highway/West Hind Drive to 600 feet east of the intersection of Kalanianaʻole Highway/West Hind Drive, and
 - The northern side of Kalanianaʻole Highway from the intersection of Kalanianaʻole Highway/Niuiiki Circle to the intersection of Kalanianaʻole Highway/Halemaumau Street.
- (13) Hawaii Kai. The Hawaii Kai street segments include the following streets as illustrated in attached Exhibit 13:



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- The northern side of Kalanianaʻole Highway from the intersection of Kalanianaʻole Highway/Keahole Street to the Hawaii Kai Marina Bridge,
 - The southeastern side of Keahole Street from the intersection of Keahole Street/Kalanianaʻole Highway to the northernmost entrance to the Hawaii Kai Towne Center parking lot via Keahole Street,
 - The northern side of Kalanianaʻole Highway from the intersection of Kalanianaʻole Highway/Lunalilo Home Road to the westernmost entrance to the Koko Marina Center parking lot via Kalanianaʻole Highway,
 - The western side of Lunalilo Home Road from the intersection of Lunalilo Home Road/Kalanianaʻole Highway to 200 feet north of the intersection of Lunalilo Home Road/Kaumakani Street, and
 - The northern side of Hawaii Kai Drive from the intersection of Hawaii Kai Drive/Pepeekeo Street to the Hahaione Valley Stream Bridge.
- (b) The prohibitions in subsection (a) shall not apply to:
- (1) Any person sitting or lying on a sidewalk due to a medical emergency;
 - (2) Any person who, as a result of a disability, is utilizing a wheelchair or other similar wheeled chair device to move about the public sidewalk;
 - (3) Any person sitting or lying on a sidewalk for the purpose of engaging in an expressive activity;
 - (4) Any person sitting on a sidewalk while attending or viewing any parade, festival, performance, rally, demonstration or similar event conducted on the street pursuant to a permit issued by the city;
 - (5) Any person engaged in a maintenance, repair or construction activity on behalf of a governmental entity or a public utility;
 - (6) Any child who is sitting or lying in a baby carriage, stroller, or carrier, or similar device, to move about the public sidewalk;
 - (7) Any person sitting on a chair or bench located on the public sidewalk which is placed there by a public agency;
 - (8) Any person sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the



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length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or

(9) Sitting or lying on a public sidewalk in a designated geographic area regulated by separate ordinance enactment.

(c) No person shall be cited for a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

(d) As used in this section:

"Expressive activity" means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas, and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events, such as marathons; fundraising events; beauty contests; commercial events; cultural celebrations or other events the principal purpose of which is entertainment.

"Public sidewalk" means a publicly owned or maintained "sidewalk," as defined in Section 29-1.1, and includes a "replacement sidewalk" as defined in that section.

Sec. 29-.3 Penalty.

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663, as amended."



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ron Menor

DATE OF INTRODUCTION:

July 3, 2014
Honolulu, Hawaii

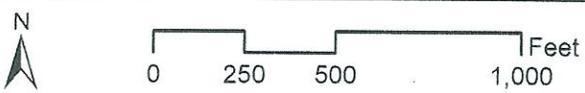
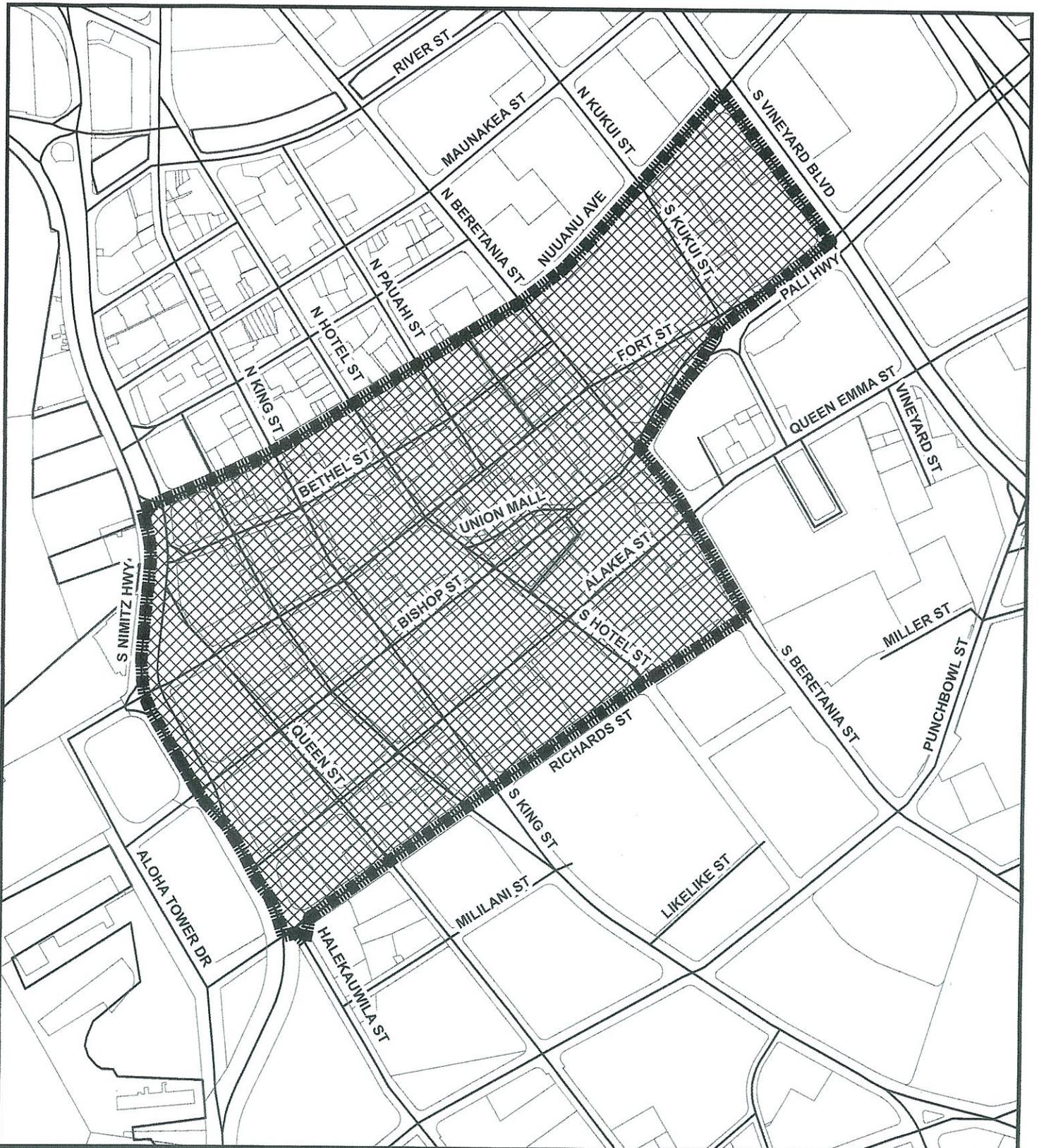
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu



Prepared by: Office of Council Services



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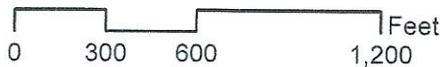
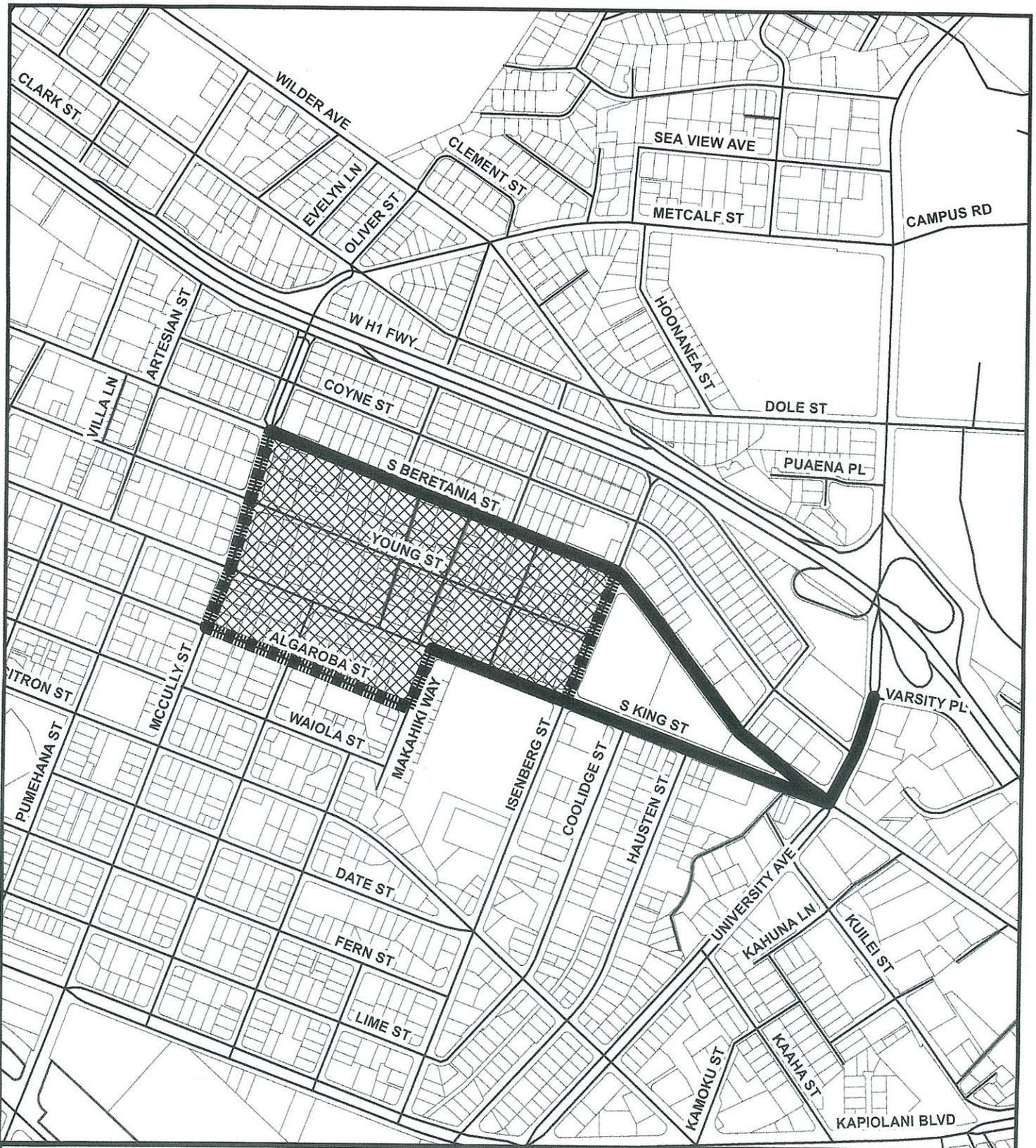
Downtown



Zone



Street Segment



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McCully-Moiliili



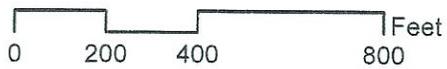
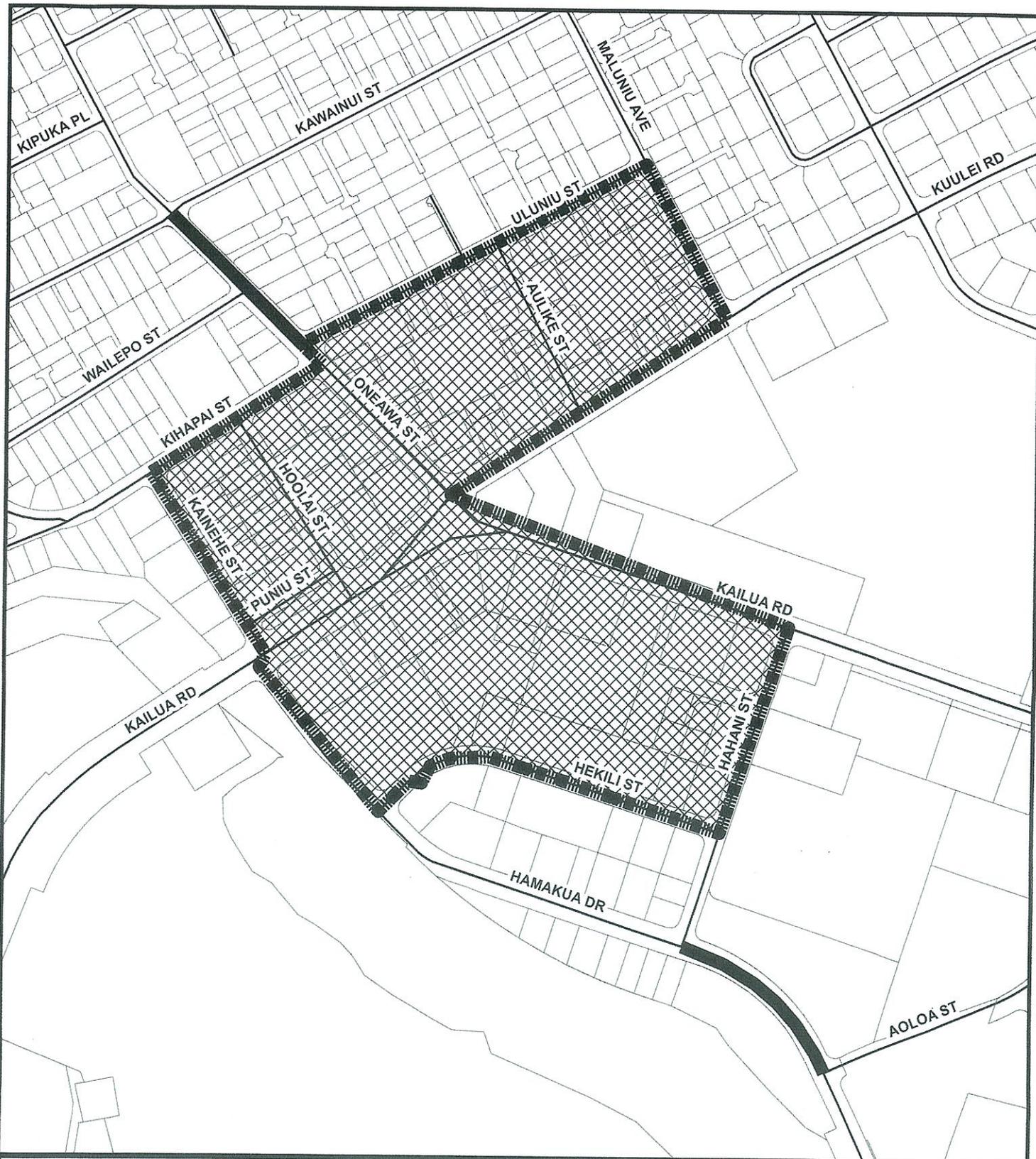
Zone



Street Segment

EXHIBIT 3

Date Prepared: October 31, 2014



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Kailua



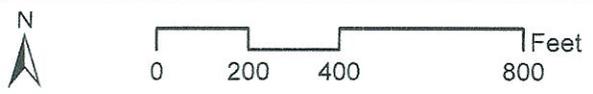
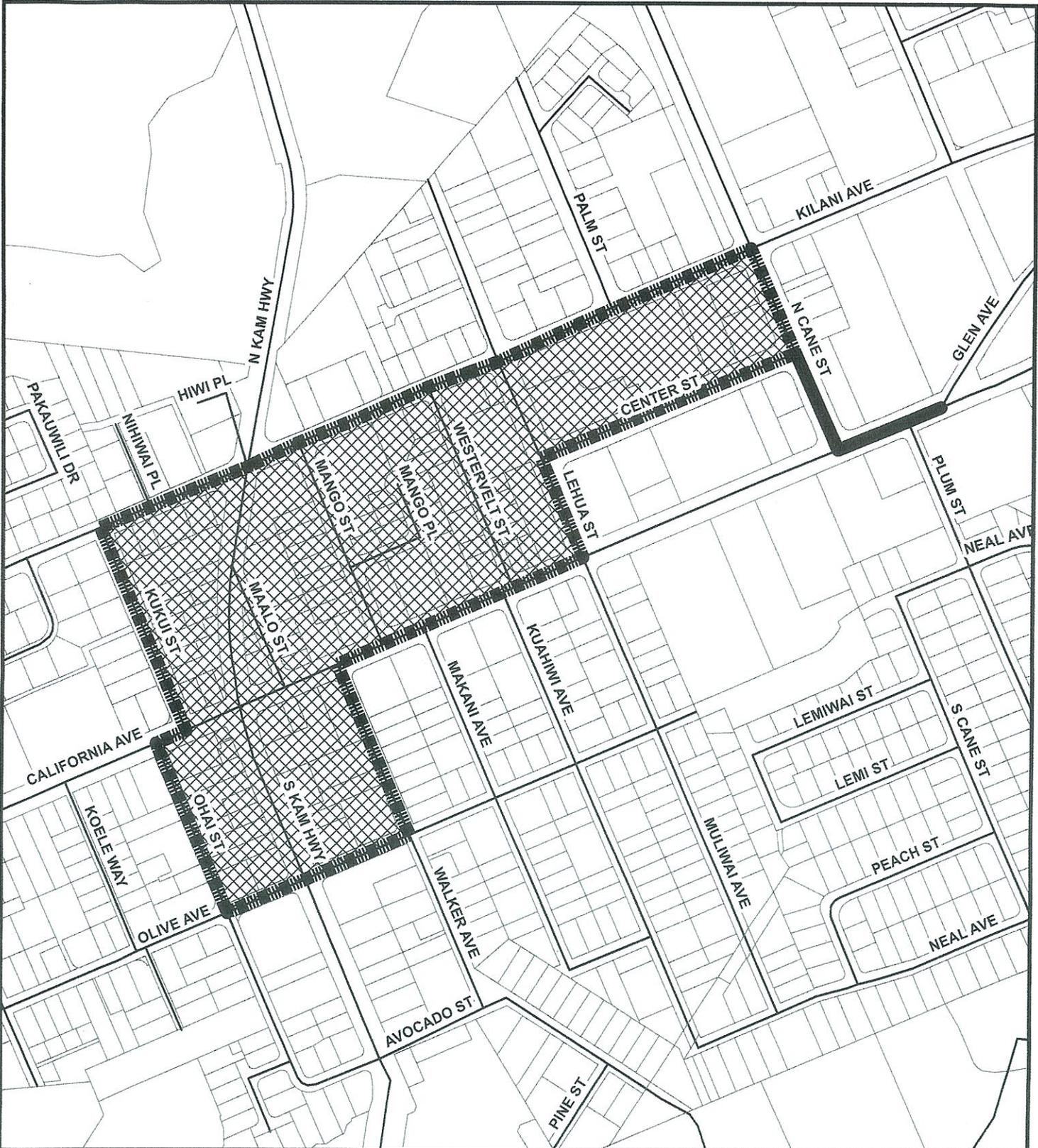
Zone



Street Segment

EXHIBIT 4

Date Prepared: October 13, 2014



Prepared by: Office of Council Services

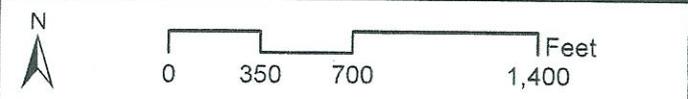
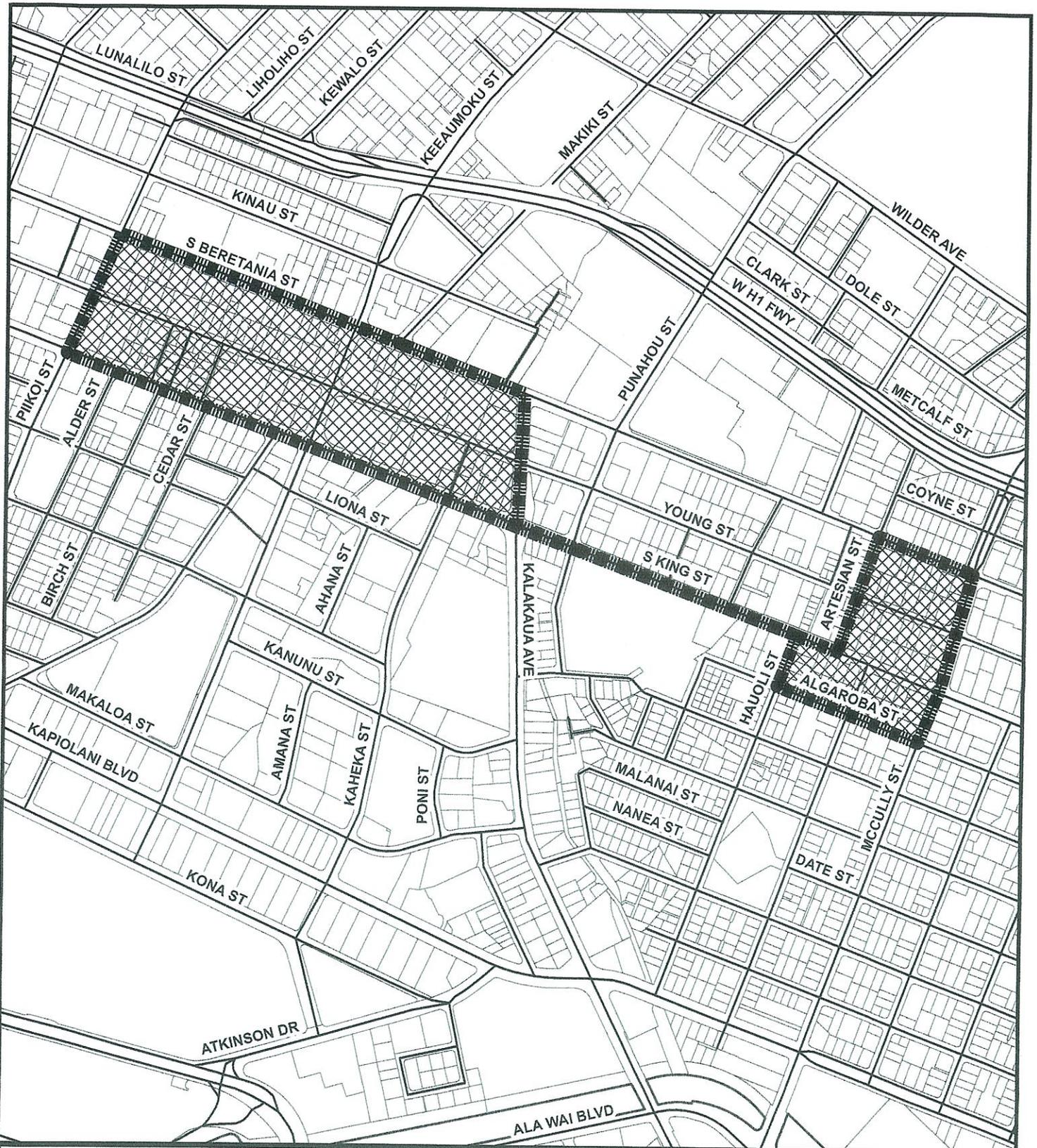


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Wahiawa

-  Zone
-  Street Segment

EXHIBIT 5



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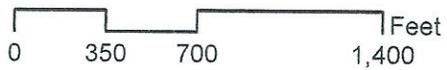
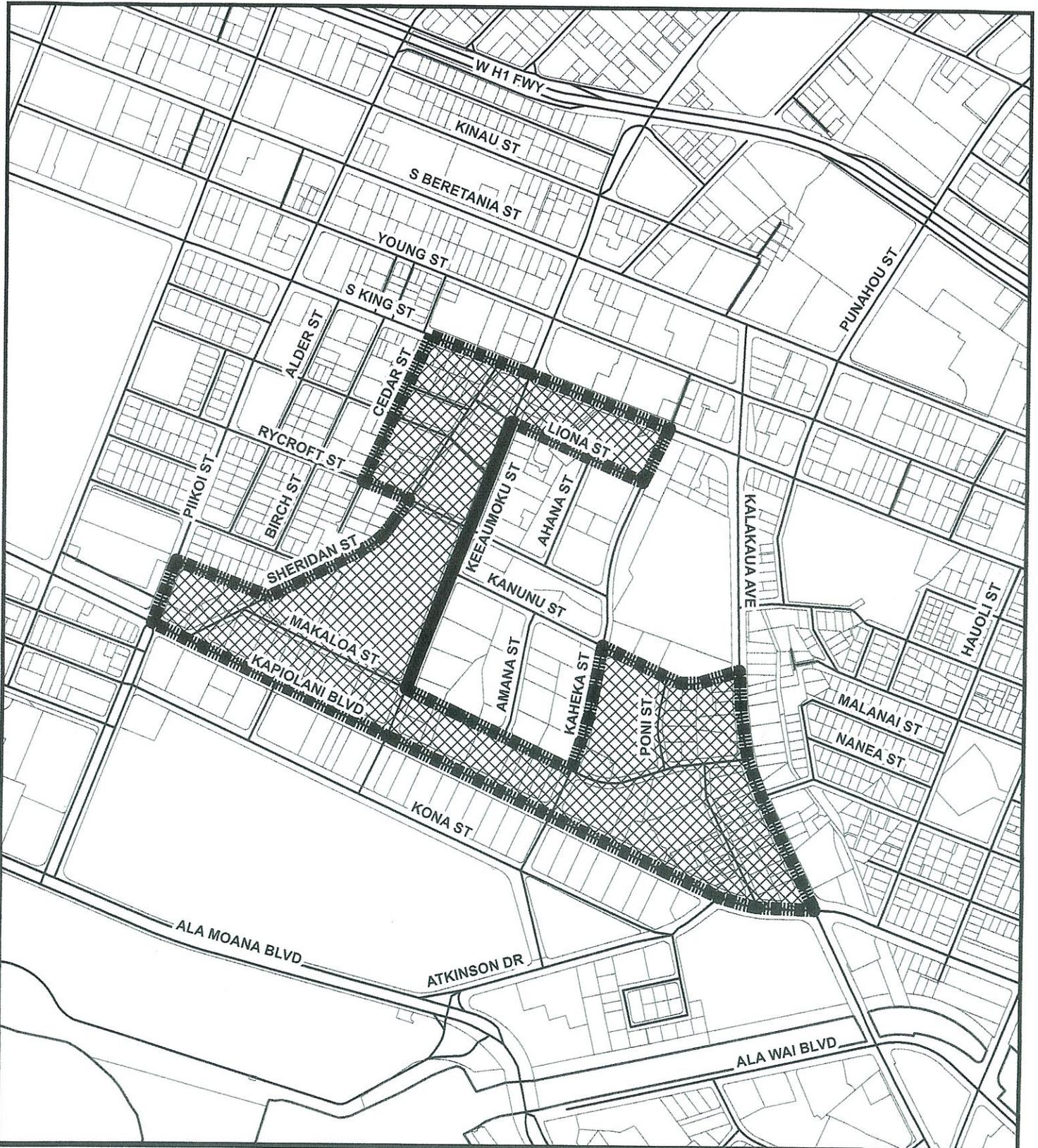


Ala Moana-Sheridan

-  Zone
-  Street Segment

EXHIBIT 6-A

Date Prepared: October 13, 2014



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Ala Moana-Sheridan

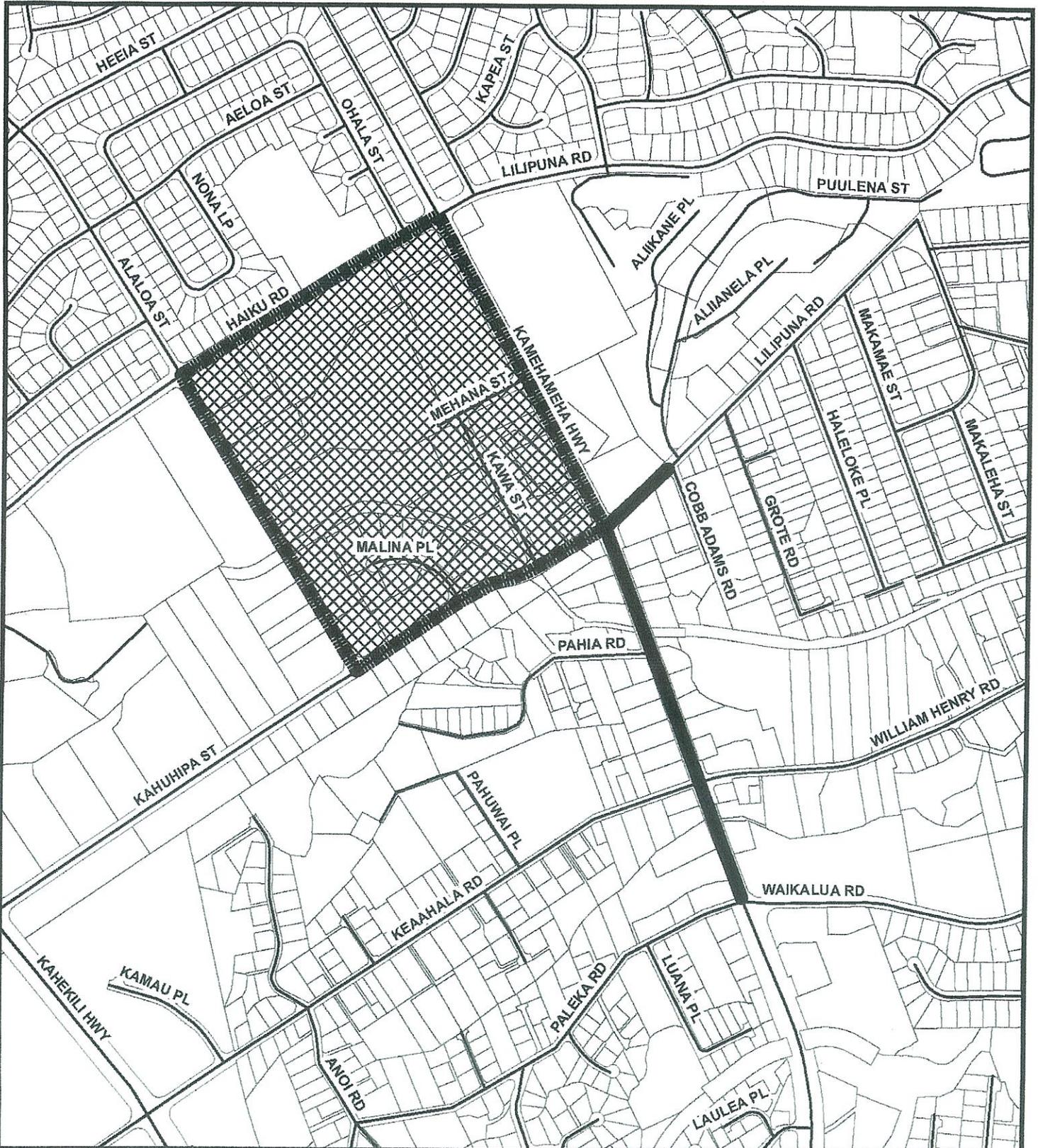


Zone



Street Segment

EXHIBIT 6-B



0 100 200 400 Feet

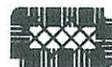
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Kaneohe Zone A

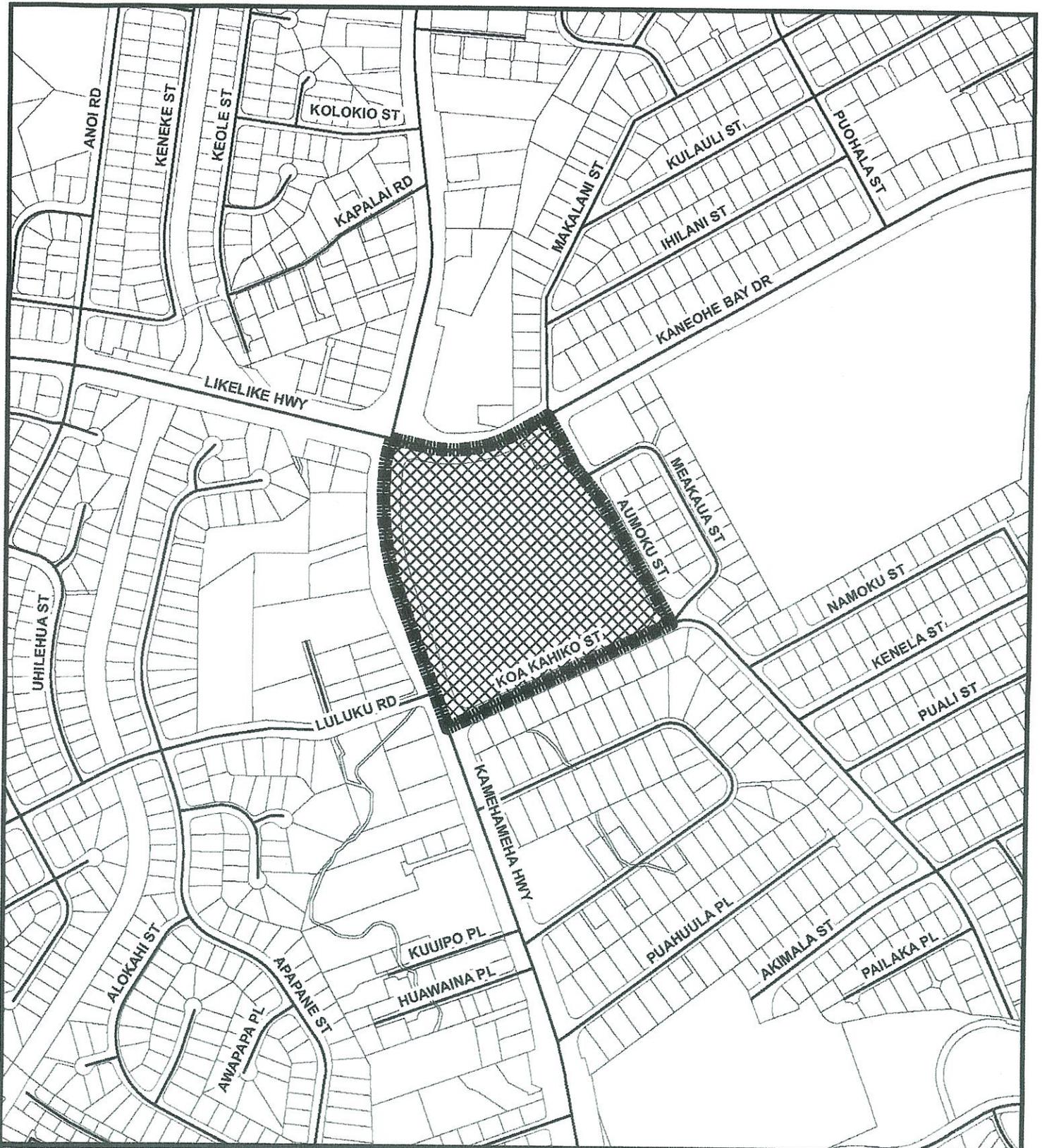


Zone



Street Segment

EXHIBIT 7-A



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Kaneohe Zone B



Zone



Street Segment

EXHIBIT 7-B

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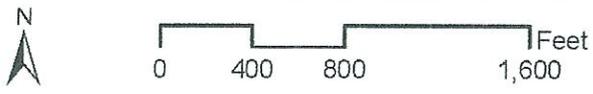
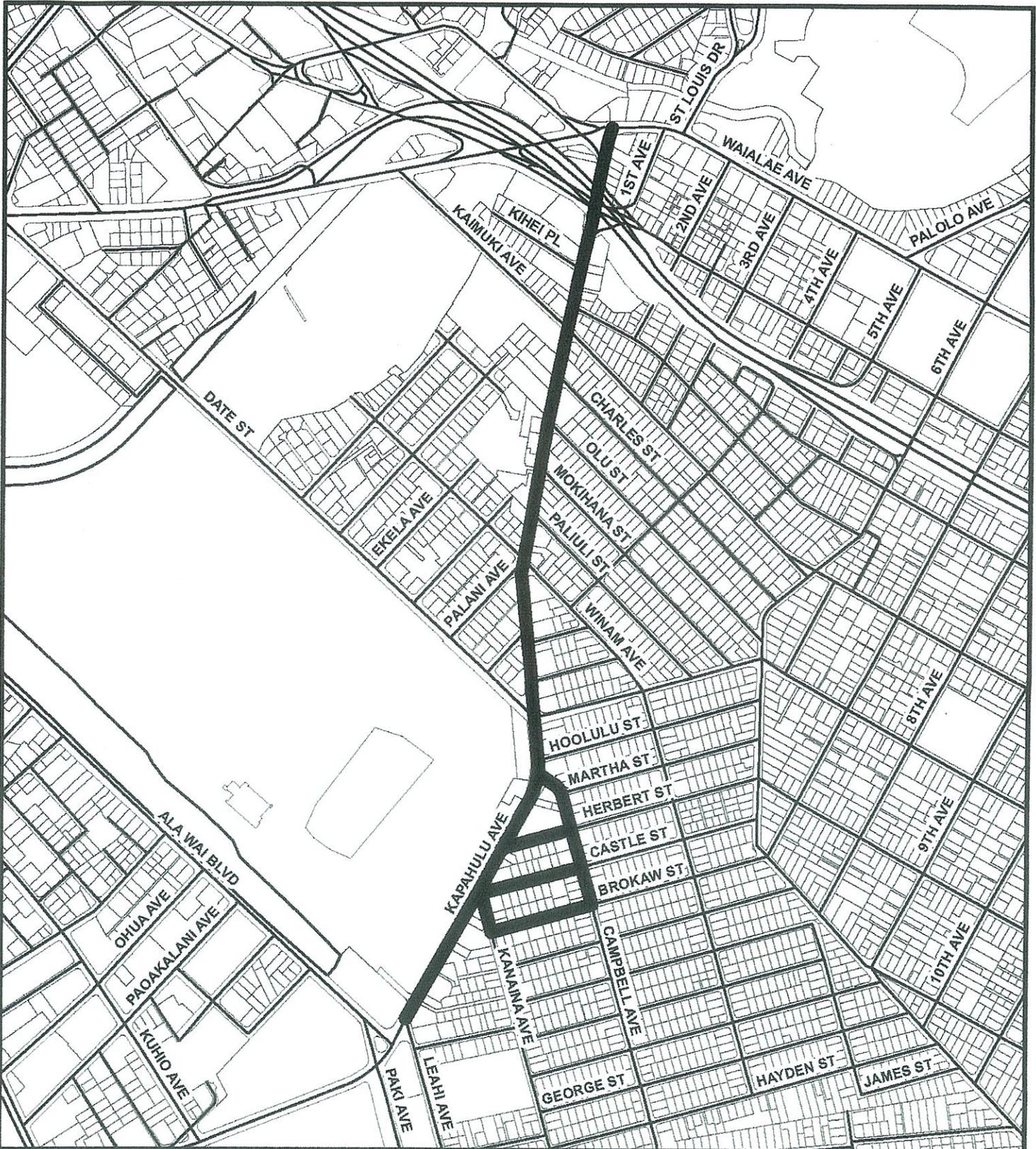
Waimanalo



Zone



Street Segment



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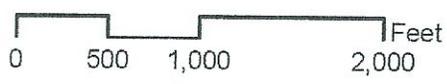
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Date Prepared: October 6, 2014

Kapahulu

-  Zone
-  Street Segment

EXHIBIT 9



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 intended to replace site survey



Waialae



Zone



Street Segment

EXHIBIT 10

Date Prepared: October 6, 2014



Prepared by: Office of Council Services



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Date Prepared: October 6, 2014

Kahala

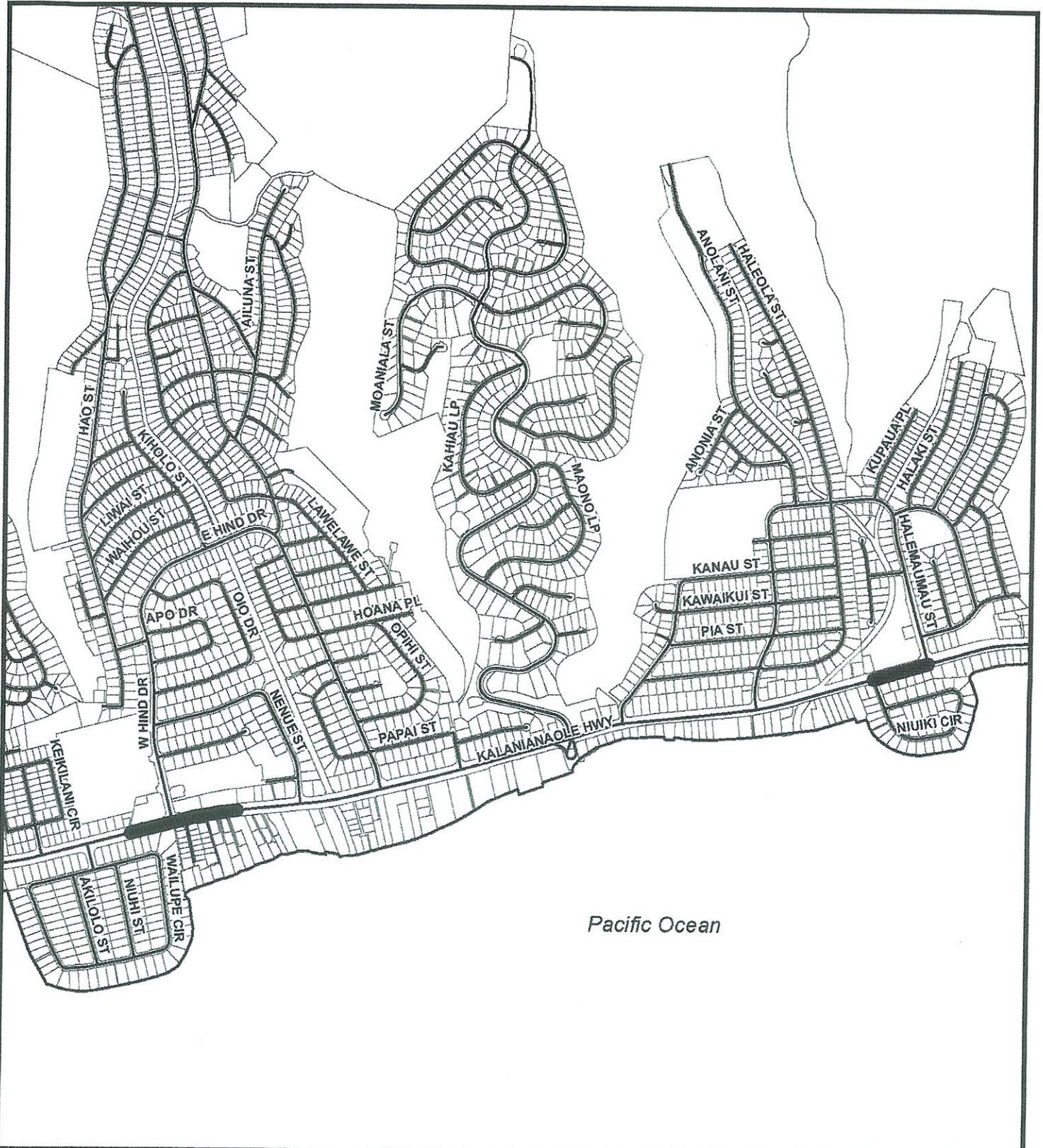


Zone



Street Segment

EXHIBIT 11



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Date Prepared: September 29, 2014

Aina Haina - Niu Valley

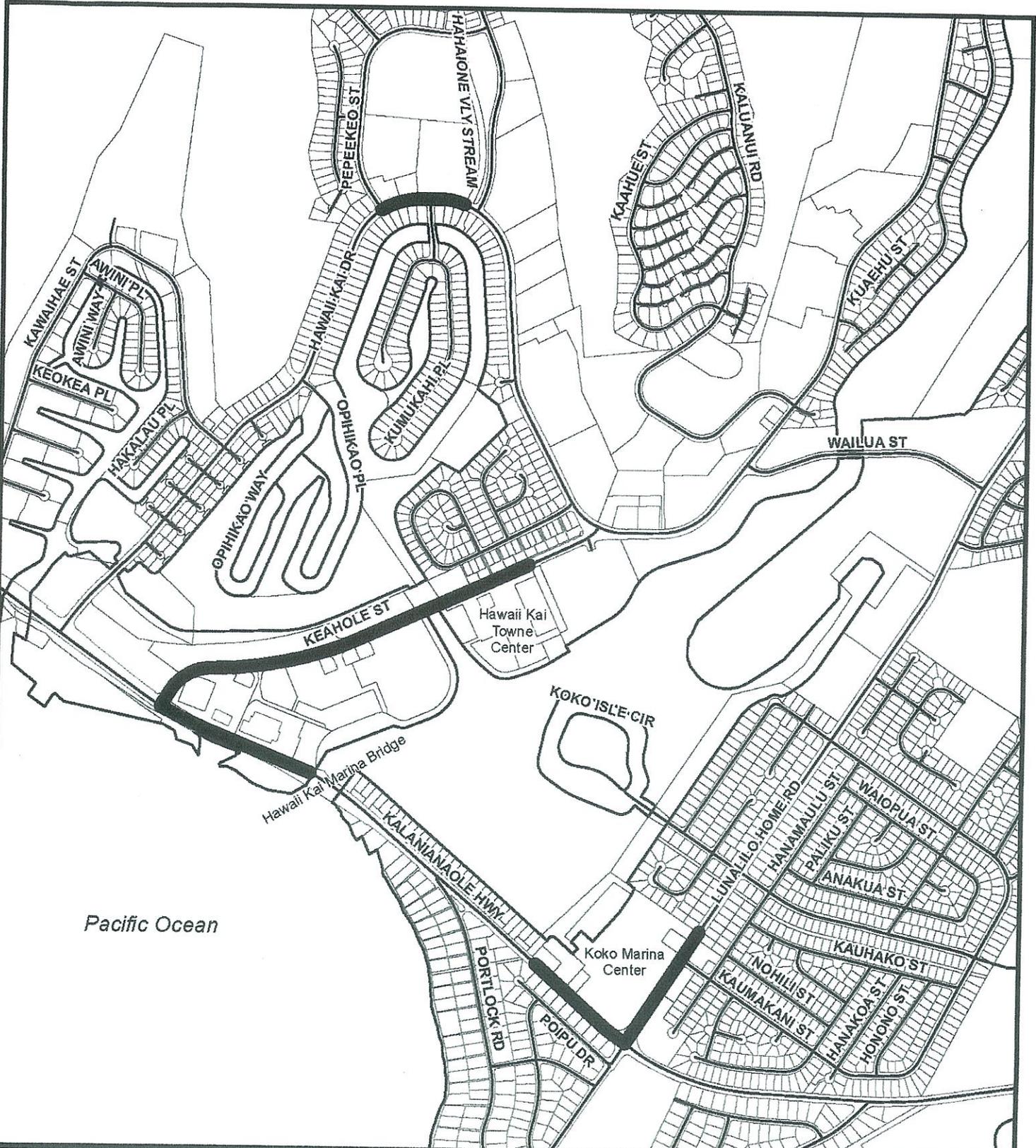


Zone



Street Segment

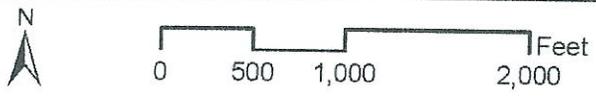
EXHIBIT 12



Pacific Ocean

Hawaii Kai Towne Center

Koko Marina Center



Hawaii Kai

-  Zone
-  Street Segment

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 Date Prepared: September 29, 2014